

**Remarks**

Claims 1, 10, 12, 19, 21-22, 27-30 remain pending in this application. Claims 11, 20 and 31-38 have been canceled. Claims 1, 12, 21 and 22 have been amended. No new matter has been added by this amendment.

The Examiner alleged on lines 1-8, page 4 in the official action that Boyack teaches luminance analysis in which a luminance signal is obtained by excluding luminance signals of predetermined luminance levels from luminance signals (col. 9 lines 32-41.) The Examiner argued that “it would have been obvious to combine the apparatus of Steinberg and the basis of control of its resulting light emission, with the exclusion of luminance signals based on a luminance threshold as taught by Boyack for the purpose of correcting very high contrast scenes which include over-threshold activities that add to the high luminance end of the histogram, and which cause images which are too dark ( Boyack - col. 9 lines 32-36).”

The applicants submit Boyack teaches obtaining a luminance signal used for luminance analysis by excluding luminance signals of predetermined luminance levels from luminance signals. And the threshold level is set with respect to the luminance level and the excluded luminance signal is determined on the basis of only the threshold level (Boyack, col. 9, lines 32-57). By contrast, in the amended application, with respect to a luminance level, an excluded signal is determined on the basis of a threshold level to be set (lines 2-9, page 18) and a number of areas which is able to take a predetermined luminance level (lines 18-23, page 16).

Therefore, the applicants submit that the above amended claims are not obvious over Steinberg in view of Boyack.



**CONCLUSION**

In view of the foregoing, Applicants believes that the claims as herein presented are allowable over the cited art as they each recite at least the foregoing features which are not disclosed, taught nor suggested by the cited art, taken alone or in combination. Applicants respectfully submit that the rejections be withdrawn and further that application is in condition for allowance, which action is earnestly solicited.

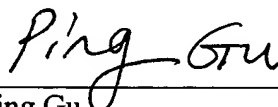
In the event that a telephone conference would facilitate prosecution of the instant application, the Examiner is invited to contact the undersigned at the number provided.

No fees or extensions of time are believed necessary for the filing of this paper. However, should an extension of time be required to render this filing timely, such is hereby petitioned and the Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this Amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1232-4680.

Respectfully submitted,  
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Dated: November 14, 2005

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